

EXHIBIT 16

In The Matter Of:

*Fair Fight Action v.
Raffensperger*

*Stephen C. Graves, Ph.D.
February 25, 2020*

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1 Q. And then it continues, "As shown, Fulton
2 County, Georgia had the longest wait times
3 of the 3,119 polling places surveyed
4 nationwide. In the following, I will first
5 describe the data and how it was collected,
6 then the analysis and finally the results."
7 Do you see that?

8 A. Yes.

9 Q. Is that the full breadth of your opinion, a
10 summary of it, but do you have any opinions
11 in this report other than what you've
12 identified in that first paragraph?

13 MR. DuBOSE: Objection.

14 A. No. Yeah. No.

15 Q. You're not making any kind of causal
16 analysis as to what may have caused wait
17 times in Fulton County?

18 A. Yes, I am not making any causal statements.

19 Q. You're not opining on the intent of state
20 policymakers with your report, correct?

21 A. Yes.

22 Q. You offer no opinion on the intent of
23 county policymakers, correct?

24 A. Yes.

25 Q. You're not making -- your report contains

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1 no opinion about whether county governments
2 or state governments are responsible for
3 the design of a polling site; is that
4 correct?

5 A. Yes.

6 Q. Your report contains no opinion regarding
7 who, and by "who" I mean county government
8 or state government decides the type of
9 resources that will go into a polling
10 location; is that correct?

11 A. Yes.

12 Q. The analysis you conducted looked only at
13 the 2018 general election, is that right?

14 A. Yes.

15 Q. I'm going to ask you a series of several
16 questions that are going to sound very
17 strange to you but it's based on my lack of
18 knowledge, I promise you.

19 So we're on the same page, when you
20 hear the phrase "sample set" as it relates
21 to a statistical analysis, what does
22 "sample set" mean to you?

23 A. Usually it means in some context that you
24 have a population of things and when we say
25 a "sample," we're taking a subset from that

1 A. Again, my response depends on what you're
2 trying to do, what the purpose of the
3 analysis is.

4 Q. Let's take this. Your purpose in analyzing
5 Fulton County polling sites was what?

6 A. Well, the purpose was primarily to, as said
7 here, you know, to provide support for this
8 report, you know. So in the context of
9 Fulton County, replicating what they did
10 here.

11 Q. In looking at Fulton County, were you
12 satisfied with the number of precincts that
13 returned data which is collectively
14 submitted as Exhibit 2 to allow you to make
15 a credible conclusion on Fulton County
16 generally?

17 A. Well, again, I wasn't trying to make a
18 conclusion about Fulton County in general.

19 Q. Okay. What were you trying to make a
20 conclusion on then?

21 A. I was just trying to conclude that what was
22 reported in this report seemed okay, was
23 okay.

24 Q. Okay. Let me ask it this way, are you
25 aware or were you aware when -- let me

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1 phrase it this way. Presume that Fulton
2 County in 2018 had 373 polling locations.
3 I'll represent to you that's true, but for
4 the purpose of today, let's presume that's
5 the case. As I read your report, it looked
6 like you received data from 83 polling
7 locations. Does that sound correct?

8 A. Yeah. When you say a polling location, I
9 gather this is a polling -- there's two
10 precincts and one polling location.

11 Q. Right. We're only talking about polling
12 locations today, because in Fulton you'll
13 have, shoot, the one two away from me has,
14 I think, eight precincts in it because the
15 precincts are very small; mine has two
16 because they're larger, but all we're
17 talking about is actual polling.

18 A. Yeah.

19 Q. As I do very simple math, if I take 83 over
20 373, that's 22 percent of polling locations
21 submitted data. Are you with me on that?

22 A. Yes.

23 Q. Sorry, that was one of the rules I have to
24 tell you. You have to answer affirmatively
25 or negatively. In your opinion, is

1 22 percent a sufficient sample size to make
2 conclusions about wait times in Fulton
3 County generally?

4 A. I would say yes, if those polling locations
5 were chosen randomly.

6 Q. Do you have any basis to know why some
7 locations submitted the line /HREUPBG data
8 collection sheets and why some did not?

9 A. No, if I understand the question. I don't
10 have an idea.

11 Q. Now, as I understand it, you -- as you went
12 through what is Exhibit 2, the line link
13 data collection sheets, you took out
14 several because they were filled out
15 incorrectly. I think the last one it
16 copied incorrectly and you can't tell the
17 number, so as I understand it from reading
18 your report, there were ultimately 68
19 polling locations that you studied as part
20 of your report; is that correct?

21 A. Yes.

22 Q. So as I divide 68 by 373, I get roughly
23 18 percent of the polling locations in
24 Fulton County, does that sound right?

25 A. Yes.

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1 the ones to decide whether or not they were
2 going to complete the report or not?

3 MR. DuBOSE: Objection.

4 A. Yes.

5 Q. Should -- if you were conducting a study
6 perfectly -- that's not fair. If you were
7 conducting the study, would you want the
8 sample size, meaning those 68 or 83, in
9 this case, polling locations that returned
10 the data sheets, would it be more credible
11 or result in a better analysis if those
12 polling locations that returned the data
13 sheets reflected the population or the
14 demographics of Fulton County?

15 MR. DuBOSE: Objection.

16 A. I think you've asked two different things,
17 so maybe I would ask that you --

18 Q. Sure, break it up?

19 A. Yeah.

20 Q. Let's presume, and I'll get the numbers
21 wrong, but let's just presume
22 hypothetically, Fulton is 48 percent black,
23 would you want, for a study that looked at
24 wait times and any impact that race has on,
25 or any effect on correlation between race

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1 and wait times, would you want the study to
2 have or examine polling locations that
3 reflected the population of the county? In
4 other words, if you were to do a study that
5 was mostly white polling locations, that
6 would not be a good study, correct?

7 A. Yes, if I were trying to develop a sample
8 and use that sample to make conclusions
9 about Fulton County, I would want the
10 sample to be representative of the
11 demographics across the county.

12 Q. Okay. If you will turn in your report to
13 what I believe is Index 2. These are,
14 where it says polling sites, these are the
15 polling sites that were included. This is
16 the 68, if you will; is that correct?

17 A. Yes.

18 Q. Did you conduct any analysis as to whether
19 these polling sites accurately, or
20 generally even, reflected the population of
21 Fulton County?

22 A. No.

23 Q. Let me ask a very basic question, and I
24 know it's in your report, but tell me
25 exactly what you did with the documents

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1 more heavily points that are far, far away
2 from the line.

3 Q. Let me ask you to look at that graph that's
4 there in your report that has the linear
5 regression analysis.

6 A. Yes.

7 Q. The X axis, one represents a polling site
8 with 100 percent African American voters?

9 A. Yes.

10 Q. 60 on the Y axis represents 60 minutes of
11 wait time?

12 A. Yes.

13 Q. Okay. Your report does not make any
14 conclusions about the impact a line or
15 waiting has on a person's decision to vote,
16 in other words to stay in that line and
17 vote; is that correct?

18 A. Yes.

19 Q. Okay. You conclude in the report, as I
20 read it, that African Americans have a wait
21 time 1.6 minutes on average more than white
22 voters in the Fulton County polling
23 locations you studied, is that right?

24 A. I would just characterize that as a
25 finding, not a conclusion.

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1 Americans share at a polling location.

2 Q. Does that go back to that 1.6 minute
3 difference?

4 A. I'm not sure I understand the question.

5 Q. Okay. So then let me ask it this way.

6 That statement that we just read, that you
7 did not assert you found -- let me ask you
8 this. What would be a statistically
9 significant relationship between percentage
10 of African American share and wait time at
11 a polling site? Is this statement more
12 that you did not, and I'll ask it this way,
13 and I'll probably draw an objection and
14 I'll try to narrow it, but just so you know
15 what I'm getting at. Is this statement
16 saying that there was not a finding of a
17 statistically significant relationship or
18 that you weren't looking to determine if
19 there was a statistically significant
20 relationship? Do you see the difference in
21 what I'm asking?

22 MR. DuBOSE: Objection.

23 A. Maybe.

24 Q. Let me ask it this way. Your report makes
25 no factual finding that there is a

1 statistically significant relationship
2 between the percentage of African American
3 share and the wait time at the polls,
4 correct?

5 A. Yes.

6 Q. Does it make a conclusion that there is a
7 statistically significant relationship
8 between percentage of African American
9 share and wait time at the poll?

10 A. I'm not sure I see the difference between
11 them.

12 Q. Okay. I'll move on. On Page 2 of your
13 rebuttal, in the last full paragraph, you
14 say "In describing one of Trende's
15 hypothesis, "that my objection is with the
16 relevance of the alternative hypothesis.
17 There is a reasonable belief, as well as
18 anecdotal evidence from past elections that
19 African American voters have longer wait
20 times than other voters." Do you see that?

21 A. Yes.

22 Q. What is the anecdotal evidence from past
23 elections that you're relying on?

24 A. Well, I would sort of refer to, although
25 not sure I could point explicitly to this,